

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC'S  
UNOPPOSED MOTION TO IMPOUND/SEAL DESIGNATED MATERIAL**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), (Dkt. No. 87), Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) the following materials filed in support of Google’s Opposition to Singular’s Motion to Compel Deposition and Document Discovery filed today:

1. An un-redacted copy of Google’s Memorandum of Law in support of its Opposition to Singular’s Motion to Compel Deposition and Document Discovery.
2. An un-redacted copy of Google’s Appendix A submitted in support of its Opposition to Singular’s Motion to Compel Deposition and Document Discovery.
3. Certain exhibits to the Declaration of Christopher S. Sun (“Sun Declaration”) that accompanies Google’s Opposition to Singular’s Motion to Compel Deposition and Document Discovery. The following exhibits to the Sun Declaration contain information that Google has designated as containing “Highly Confidential – Attorneys’ Eyes Only” information.
  - **Exhibit A:** February 3, 2021 letter from Michael Ercolini to Jay Rapaport.
  - **Exhibit B:** January 11, 2021 letter from Jay Rapaport to Michael Ercolini.

- **Exhibit C:** July 14, 2023 letter from Kevin Gannon to Deeva Shah.
- **Exhibit E:** confidential Google e-mail.
- **Exhibit 1:** confidential Google e-mail.
- **Exhibit 4:** confidential Google e-mail.
- **Exhibit 5:** Excerpts from Dr. Jeffrey Dean’s July 21, 2021 deposition.
- **Exhibit 6:** confidential Google e-mail.
- **Exhibit 7:** confidential Google e-mail.
- **Exhibit 8:** Excerpts from Dr. Norman Jouppi’s July 16, 2021 deposition.
- **Exhibit 9:** confidential Google e-mail.
- **Exhibit 10:** Excerpts from Dr. James Laudon’s July 15, 2021 deposition.
- **Exhibit 11:** Excerpts from Dr. Andrew Phelps’ July 14, 2021 deposition.
- **Exhibit 12:** confidential Google e-mail.
- **Exhibit 13:** Excerpts from Obi Felton’s May 28, 2021 deposition.
- **Exhibit 14:** Excerpts from Dr. Tammo Spalink’s July 8, 2021 deposition.
- **Exhibit 15:** confidential Google e-mail.
- **Exhibit 16:** confidential Google e-mail.
- **Exhibit 17:** confidential Google e-mail.
- **Exhibit 18:** confidential Singular e-mail.
- **Exhibit 19:** confidential Singular e-mail.
- **Exhibit 20:** confidential Singular e-mail.
- **Exhibit 21:** confidential Google e-mail.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain

information that is “confidential, proprietary, and/or commercially sensitive information,” and to designate documents as “Highly Confidential – Attorneys’ Eyes Only” after making a good-faith determination that the documents contain information that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause economic harm or significant competitive disadvantage. Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to such Protected Material bring a motion to impound. *Id.* ¶ 14.

Google’s above-identified memoranda and exhibits contain either (1) sensitive business information designated Confidential under the Protective Order, public disclosure of which would risk competitive harm to Google, Singular, and/or third parties or (2) confidential information designated Highly Confidential – Attorneys’ Eyes Only under the Protective Order that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause Google economic harm or significant competitive disadvantage.

Additionally, Google has filed a redacted version of its Memoranda, which redacts discussions of the same Google confidential information discussed above and included in some of the aforementioned exhibits, public disclosure of which would risk competitive harm to Google.

Submission of the above-identified memoranda and exhibits is necessary to permit the Court to fully evaluate the issues raised in Google’s motions. Google therefore brings this Motion to Impound to seal the above-identified exhibits as well as an un-redacted confidential version of Google’s memoranda.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the above-identified exhibits under seal. Google further requests that the documents remain

impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: August 14, 2023

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), I certify that, on August 14, 2023, counsel for Defendant Google LLC and counsel for Plaintiff Singular Computing LLC met and conferred in good faith regarding resolution of this motion. Counsel for Plaintiff stated that it does not oppose the relief requested in this motion.

/s/ Nathan R. Speed  
Nathan R. Speed

**CERTIFICATE OF SERVICE**

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed